

REMARKS

Claims 18-35 are pending in the application. Claims 18-35 were rejected under 35 U.S.C. §103(a), as described on pages 2-3 of the Office Action. Claims 18-35 were rejected under 35 U.S.C. §102(b), or in the alternative, 35 U.S.C. § 103(a), as described on pages 3-5 of the Office Action. Claim 18 is the only independent claim.

Page 4 of the Office Action discusses the Disclosure on pages 1-4 of the specification. Specifically, the cited portion of the Response asserts that “labeling the section ‘Background Art’ and extensive use of the words ‘conventional’ and ‘conventionally’ is sufficient to concede the subject matter to be prior art.” Applicants respectfully request that the Examiner provide authority for such an assertion. Absent such authority, it is respectfully submitted that “conventional” and “conventionally” and “Background Art” do not define prior art within the meaning of 35 U.S.C. § 102. Specifically, there is no evidence in the record that the Disclosure on pages 1-4, although discussed with words such as “conventional,” “conventionally” and “background art”, was prior art within the meaning of 35 U.S.C. § 102. For this reason, the disclosure on pages 1-4 should not be considered prior art in the meaning of 35 U.S.C. § 102.

Applicants respectfully submit that claims 18-35 are patentable over the prior art of record for the following reasons.

The chromatography measuring device of claim 18 requires that “said liquid-impermeable sheet material does not cover said top surface of said first end region and said top surface of second end region,” and that “said liquid-impermeable sheet material adherently covers a surface other than said top surface of said first end region and said top surface of said second end region.”

It is respectfully submitted that neither Nakaya, Mochizuki nor Takahashi, either singly or in combination, teaches the above-identified limitations.

Page 5 of the Office Action alleges that the “sample addition region of Nakaya (JP 11-044689) appears to be at one end and space 9 appears to be at the second end.” It is submitted that the allegation is inaccurate. Specifically, as clearly illustrated in Figs. A and B of Nakaya, space 9 is substantially in the middle of chromatography strip 1. Therefore, space 9 is not “at the second end.” On the contrary, at the very most, space 9 might be considered to be near an end region.

Even if space 9 were considered to be near an end region, Nakaya would nevertheless fail to teach that which is required in the present invention. Specifically, the invention of claim 18 requires the liquid-impermeable sheet material to not cover **the top surface of the first end region** and **the top surface of the second end region**. Nakaya, on the other hand, would at most teach that **a portion** of the top surface that is near an end region is uncovered. Therefore, Nakaya would fail to teach that the top surface of the end region is uncovered. Accordingly, Nakaya fails to teach or suggest that a liquid-impermeable sheet material does not cover the top surface of the first end region and the top surface of the second end region, as required in independent claim 18.

Paragraph 5 of the Office Action further alleges that the “sample addition region 8 of Mochizuki (JP 10-332,700) is clearly at one end and air vent opening 9 is at the other end.” Yet again, this allegation is inaccurate. As clearly illustrated in Figs. 1 and 3 of Mochizuki, neither addition region 8 nor vent opening 9 are at an end of the inspection body. On the contrary, at the very most, addition region 8 or vent opening 9 are portions of the top surface that might be considered to be near an end region.

Similar to Nakaya as discussed above, even if addition region 8 or vent opening 9 of Mochizuki were considered to be near an end region, Mochizuki would nevertheless fail to teach that the top surface of the end region is not covered by the liquid-impermeable sheet material because the reference would only arguably teach that a portion of the top surface that is near an end region is uncovered. Accordingly, Mochizuki fails to teach a liquid-impermeable sheet material that does not cover a top surface of the first end region and the top surface of the second end region, as required in independent claim 18.

Paragraph 5 of the Office Action additionally alleges, that Takahashi teaches that the “sample addition window 7 is clearly at one end and confirmation window 9 is at the other end.” It is readily apparent from both Figs. A and B of Takahashi that neither one of addition window 7 or confirmation window 9 are at an end of the test strip. On the contrary, at the very most, the addition window 7 and confirmation window 9 are portions of the top surface that might be considered to be near an end region.

Similar to Nakaya and Mochizuki as discussed above, even if addition window 7 or confirmation window 9 of Takahashi were considered to be near an end region, Takahashi would nevertheless fail to teach that the top surface of the end region is not covered by the liquid-impermeable sheet material because the reference would only arguably teach that a portion of the top surface that is near an end region is uncovered. Therefore, Takahashi, similar to both Nakaya and Mochizuki as discussed above, fails to teach that the liquid-impermeable sheet material does not cover a top surface of the first end region and the top surface of the second end region, as required in independent claim 18.

It is clear that neither Nakaya, Mochizuki nor Takahashi teaches that a liquid-impermeable sheet material does not cover **a top surface of a first end region and a top surface of a second end region**. Accordingly, a combination of the teachings of Nakaya, Mochizuki and Takahashi additionally fails to teach a liquid-impermeable sheet material not covering a top surface of a first end region and a top surface of a second end region.

Therefore, it is respectfully submitted that a combination of the teachings of Nakaya, Mochizuki and Takahashi fail to teach: a liquid-impermeable sheet material that does not cover a top surface of a first end region and a top surface of second end region, the liquid-impermeable sheet material adherently covering a surface other than the top surface of the first end region and the top surface of the second end region, as required in independent claim 18.


In light of the above discussion, it is respectfully submitted that claim 18 and dependent claims 19-35 are patentable over the prior art of record and request that the outstanding rejections of claim 18-35 be withdrawn.

Having fully and completely responded to the Office Action, Applicants submit that all of the claims are now in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

Respectfully submitted,

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